

REMARKS

Claims 1, 19 and 20 have been amended without prejudice.

A properly executed Power of Attorney signed inventor David Hall granting the undersigned to prosecute applications before the USPTO is enclosed. Accordingly, the Applicants request that this application be associated with the address of the undersigned for future correspondance with the U.S. Patent and Trademark Office.

Also the specification has been amended to reflect that this application is a continuation-in-part of U.S. Patent Application Serial No. 10/453,290 which was filed on June 3, 2006.

The Office objected to the specification because of a couple of informalities on page 12 and 13. The Applicants have amended the specification as suggested by the Office. No new matter has been added.

The Office also objected to claim 1, because a semi-colon should have been a period. The Applicants have amended claim 1 as suggested by the office. Further the Applicants noticed in the course amending claim 1, that other informalities existed in the claims. Claim 19 depended from claim 1, when it should have depended from claim 14 and claim 20 ended in a semi-colon when it should have ended in a period. The Applicants have amended claim 19 and 20 to fix these minor informalities. No new matter has been added.

The Office rejected to claims 1-6, 9, and 14-21, under 35 U.S.C. 103(a) as being unpatentable over Holcombe (5,516,603). The Applicants respectfully traverse this rejection. The Applicants respectfully submit that the battery of Holcombe is not structurally similar to the structure described in claim 1 and 14. Holcombe discloses a battery pack with a flat, flexible base that is

flexible for mounting it in a variety of downhole tools (see column 1 line 58-60). Holcombe further shows and describes staves 20 containing cells 22 that are attached to the flexible base 14. Holcombe does not suggest that the staves are also flexible, nor does Holcombe suggest that the staves are contractible or expandable. The Applicants respectfully submit that in order for the battery of Holcombe to be structurally similar to the pressure balanced battery of claim 1, there must be a housing which seals the volume of the battery that is expandable and contractible. Holcombe does not disclose or suggest such a feature.

Further, the Applicants respectfully submit that one of ordinary skill in the art after reading Holcombe would not come up with the structure claimed in claims 1 or 14 because Holcombe does not suggest a structure that would balance pressure internal to the housing with pressure external to the housing for increasing the life of battery under high temperature, but Holcombe teaches staves connected to a flexible base for mounting the battery pack to a variety of downhole tools.

The Applicants respectfully suggest, in view of the arguments presented, that claims 1 and 14 are allowable. Since claims 2-6, and 9 depend from allowable base claim 1 and claims 15-19 depend from allowable base claim 14, Applicants respectfully submit that claims 2-6, 9, and 15-19 are also now allowable.

Claim 20 has been amended so that the housing encloses and seals a volume containing the battery and that the housing has a resilient portion flexible to vary the volume within the housing. This is not disclosed or suggested by Holcombe. Holcombe disclosed a flexible base for mounting the battery pack in a variety of downhole tools. Since Holcombe does not disclose a similar structure as that of claim 20 and since Holcombe teaches that the flexible base is for mounting the battery pack in a variety of downhole tools, and not for pressurizing the battery, the Applicants respectfully submit that claim 20 is now patentable over Holcombe. Since claim 21

depends from now allowable claim 20, Applicants respectfully submit that claim 21 is now allowable.

The Office rejected claims 7 and 13 under 35 U.S.C. 103(a) as being unpatentable over Holcombe as applied to claim 1 and further in view of Hikmet et al. (6,528,204). The Applicants respectfully submit that since claims 7 and 13 depend from amended allowable base claim 1, that claims 7 and 13 are now also allowable.

The Office also rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Holcombe as applied to claim 1 and further in view of Lake (5,326,652). The Applicants respectfully submit that since claim 7 depends from allowable base claim 1 that claim 7 is also allowable.

The Office rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Holcombe as applied to claim 1 and further in view of Steyn (6,007,932). Since claim 8 depends from allowable base claim 1, Applicants respectfully submit that claim 8 is also allowable.

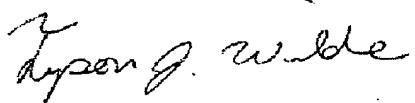
The Office rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Holcombe as applied to claim 1 and further in view of Das (6,705,406). Since claim 10 also depends from allowable base claim 10, the Applicants respectfully submit that claim 10 is also allowable.

The Office also rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Holcombe as applied to claim 1 and further in view of Finger (5,451,881). The Applicants respectfully submit that since claim 12 depends from allowable base claim 1, that claim 12 is also allowable.

In view of the arguments and amendments made herein, Applicants respectfully submit that the application is now in condition for allowance. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that there are no fees due at this time. If there are any questions concerning the above, please contact the undersigned at 801-310-8427.

Respectfully submitted,

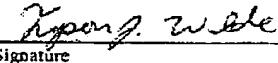


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2-22-06 
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